NORTH CAROLINA
STATE BOARD OF ELECTIONS

(919) 814-0700
P.O. Box 27255
Raleigh, NC 27611

RESOLUTION ON STATE BOARD DELEGATION OF AUTHORITY TO ISSUE BINDING DIRECTIVES TO COUNTY BOARDS

WHEREAS, the State Board of Elections has the statutory authority to supervise all primaries and elections in the State of North Carolina and the duty to advise the county boards of elections as to the proper methods of conducting primaries and elections, which it typically does through orders or directives to the county boards of elections; and

WHEREAS, such directives have typically taken the form of "numbered memos," examples of which date back to 1997 and are available on the State Board's website at https://dl.ncsbe.gov/?prefix=sboe/numbermemo/; and

WHEREAS, the county boards of elections are required by N.C.G.S. § 163-33(12) to perform the duties prescribed by the rules, orders, and directives of the State Board; and

WHEREAS, the State Board is authorized under N.C.G.S. § 163-22(p) to "assign responsibility for enumerated administrative matters to the Executive Director by resolution, if that resolution provides a process for the State Board to review any administrative decision made by the Executive Director;" and

WHEREAS, the State Board formalized the historical practice of issuing such directives through a delegation of authority which provides a process for the State Board to review such directives by way of a resolution issued on November 28, 2023;[1] and

WHEREAS, the State Board desires to revise that process for issuing directives.

THEREFORE, IT IS RESOLVED that:

1. The November 28, 2023, resolution is hereby superseded by this resolution.

2. In addition to requesting the State Board formally vote on a directive before it is issued, the Executive Director is authorized to issue directives to the county boards of elections on the administration of election laws and procedures, according to the following procedures.

[1] Available at https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/Orders/Resolutions/20231128%20Resolution%20on%20directives%20from%20executive%20director.pdf.

3. Before issuing such a directive, the Executive Director shall circulate to the State Board the proposed directive via email. If no State Board member makes a written or oral objection within 48 hours, the directive may be issued.

4. If at least one State Board member objects, the State Board shall consider the proposed directive at a Board meeting and formally vote on whether to adopt the directive in its proposed form or as modified by the State Board. In such circumstances, a directive may be issued only upon a majority vote to approve the directive.

5. The State Board shall retain the right to hear challenges to such directives, including numbered memos, and may reconsider, rescind, or alter directives as it deems necessary or appropriate.

6. No directive shall be issued which would be contrary to governing law—whether federal law, state law, or the administrative code.

This the 6th day of August, 2026.

Francis X. De Luca, Chair
STATE BOARD OF ELECTIONS